



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

*Mitchell E. Daniels, Jr.*  
Governor

*Thomas W. Easterly*  
Commissioner

September 15, 2010

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
Toll Free (800) 451-6027  
[www.idem.IN.gov](http://www.idem.IN.gov)

Mr. Bob Johnson  
White River Coal Company  
6642 N. Thompson Road  
Hazleton, Indiana 47640

Dear Mr. Johnson:

Re: Modification Request for  
NPDES General Permit No. ING040186  
IDNR Permit Nos. U-026  
White River Coal Company- Hazleton Mine  
Southeast of John Ford Road and North Thompson  
Road  
Hazleton, Indiana  
Gibson County

Your NPDES permit Notice of Intent application received July 13, 2010, and supplemental clarifying materials received August 17, 2010, requesting modification of the above-referenced permit, have been reviewed. The submittals requested that coverage be dropped for Outfall 002 (latitude 38°, 27', 05", longitude 87°, 29', 53", discharging to an unnamed tributary to Robb Creek). It also requested that the mine drainage status of Outfall 001 (latitude 38°, 26', 55", longitude 87°, 29', 29", discharging to an unnamed tributary to Goose Creek) be changed from alkaline to reclamation. The request has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. Our office has received confirmation from the offices of the Indiana Department of Natural Resources (IDNR) that the watershed draining to Outfall 002 has been fully reclaimed and has been stable for the last two years. Therefore monitoring at this site can be discontinued. Furthermore the IDNR has informed us that the watershed discharging to Outfall 001 has achieved Phase I and Phase II bond release, thereby qualifying it for reclamation mine drainage status. Therefore your petition to make the changes described above to existing NPDES permit ING040186 have been approved in accordance with Indiana Rules promulgated under 327 IAC15-7. Coverage for the facility will now include all outfalls as listed on Attachment 1 to this correspondence.

The NPDES general permit identification number assigned to this facility in the previous approval will continue to apply, as will all other testing and reporting that are required under 327 IAC 15-7 using the forms that were sent to you previously. An additional form is attached to this letter for use with the new outfalls. You should duplicate it as needed. Should you need additional copies of this form it is also available on the internet at the following web site:

Mr. Bob Johnson  
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<http://www.in.gov/idem/5104.htm>

327 IAC 15-7 is also available on the internet at the following website:

<http://www.in.gov/idem/4087.htm>

Additionally, you will continue to receive the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317-232-8670.

These modifications shall become effective on **October 1, 2010**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on **January 31, 2012**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by approval under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,



Catherine Hess, Chief  
Permits Administration Section  
Office of Water Quality

Slj/

Attachments

cc: Gibson County Health Department

ATTACHMENT 1

**White River Coal Company- Hazleton Mine**

NPDES PERMIT NO. ING040186

EFFECTIVE DATE: October 1, 2010

IDNR PERMIT NUMBERS U-026

OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
001	U-026 POND A	38°, 26', 55"	87°, 29', 29"	RECLAMATION	Unnamed trib. To Goose Creek

The following outfalls have been removed and are no longer covered under this permit:

002	U-026 POND F	38°, 27', 05"	87°, 29', 53"	Outfall removed	Unnamed trib. To Robb Creek

STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2010 – 9D -GP

DATE OF NOTICE: September 15, 2010

The Office of Water Quality issues the following NPDES GENERAL PERMIT.

**MODIFICATION**

**WHITE RIVER COAL – HAZLETON MINE**, Permit No. ING040186, GIBSON COUNTY, Hazleton, IN. This modification is being issued because the facility is adding 1 outfall which will discharge to an unnamed tributary to Goose Creek and deleting 1 outfall which will discharge to an unnamed tributary to Robb Creek. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

**PROCEDURES TO APPEAL**

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

**Appeal Procedure:** Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

**Timely filing:** The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:

**Phone: 317/232-8591.**

Environmental Law Judge  
Office of Environmental Adjudication  
IGC – North Building- Rm 501  
100 N. Senate Avenue  
Indianapolis IN 46204

**Stay Time frame:** If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

**Hearing Notification:** Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.



Indiana Department of Environmental Management  
NPDES General Permit Notice of Intent (NOI) Letter Submittal Application  
327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

OFFICE OF  
WATER QUALITY

2010 JUL 13 AM: 00

IDEM - AR  
PAID

<b>I. PURPOSE OF SUBMITTAL:</b>				
Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.				
NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
		XXXX	ING 040186	Change Status of Discharges

<b>II. GENERAL INFORMATION</b>						
Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.						
<b>a. APPLICANT NAME (TO THE ATTENTION OF)</b>			<b>e. FACILITY SIC CODE</b>		<b>f. FACILITY COUNTY</b>	
White River Coal Liquidation Attn: Michael L. Kayman			1221 & 1222		Gibson	
<b>b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS</b>			<b>g. DNR FACILITY NUMBER</b>			
COMPANY NAME White River Coal Liquidation			#U-26			
<b>STREET ADDRESS</b>			<b>h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER</b>			
205 E. Butterfield Road Suite 205			Latitude			
			Longitude			
<b>CITY</b>			<b>degree</b>		<b>minute</b>	
Elmhurst			N38		27	
<b>STATE</b>			<b>second</b>		<b>degree</b>	
IL			05		W87	
<b>ZIP CODE</b>			<b>minute</b>		<b>Second</b>	
60126			29		27	
<b>c. FACILITY NAME</b>			<b>i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION</b>			
Hazleton Mine			Township Range Section Quartersection			
			1 South 10 West MD 101 MD 101			
			1 South 10 West MD 108 MD 108			
<b>d. FACILITY MAILING ADDRESS</b>			<b>j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId</b>			
<b>STREET ADDRESS</b>			<b>STREET ADDRESS</b>			
6642 N. Thompson Road			Mine is immediately southeast of the intersection John Ford Road and North Thompson Road			
<b>CITY</b>			<b>STATE</b>		<b>ZIP CODE</b>	
Hazleton			IN		47640	

<b>III. CONTACT INFORMATION AUTHORIZED SIGNATORY</b>	
This section applies to the responsible corporate officer and/or alternate person who is Authorized to be responsible for all signatory responsibilities for the facility under 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable.	
<b>a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE</b>	<b>d. ALTERNATE PERSON TO ANSWER QUESTIONS</b>
Michael L. Kayman Chief Restructuring Officer	Rodger Wilson
<b>b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE</b>	<b>e. ALTERNATE PERSON'S TELEPHONE</b>
630-531-6050	812-897-2530
<b>c. APPLICANT EMAIL ADDRESS</b>	<b>f. ALTERNATE PERSON'S EMAIL ADDRESS</b>
mkayman@realizationadvisors.com	rwilson@rosedaleservices.com

2010 JUL 13 PM 3:51  
IDEM - OEA  
RECEIVABLES

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#### IV. CONTACT INFORMATION OTHER:

<b>DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION</b>		c. <u>CONTACT AND COMPANY NAME</u> Rodger Wilson, President, RoseDale Services, Inc.		
a. <u>CONTACT TELEPHONE NUMBER</u> 812-897-2530		d. <u>STREET ADDRESS</u> 1125 East Walnut Street		
b. <u>CONTACT EMAIL ADDRESS</u> rwilson@rosedaleservices.com		e. <u>CITY</u> Boonville	f. <u>STATE</u> Indiana	g. <u>ZIP CODE</u> 47601
<b>ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS</b>		j. <u>COMPANY AND CONTACT PERSON NAME</u> White River Coal Liquidation – Michael Kayman		
h. <u>CONTACT TELEPHONE NUMBER</u> 630-531-6050		k. <u>STREET ADDRESS</u> 205 E. Butterfield Road Suite 205		
i. <u>CONTACT EMAIL ADDRESS</u> mkayman@realizationadvisors.com		l. <u>CITY</u> Elmhurst	m. <u>STATE</u> Illinois	n. <u>ZIP CODE</u> 60126
<b>OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)</b>		q. <u>COMPANY AND CONTACT PERSON NAME</u> NOT APPLICABLE		
o. <u>CONTACT TELEPHONE NUMBER</u>		r. <u>STREET ADDRESS</u>		
p. <u>CONTACT EMAIL ADDRESS</u>		s. <u>CITY</u>	t. <u>STATE</u>	u. <u>ZIP CODE</u>

#### V. RULE QUALIFICATION:

The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.

Does this facility meet these requirements? (please check one) ☒ YES ☐ XXXX ☐ NO

Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.

The Hazleton Mine was an underground coal mine with coal wash plant facility. The mine has closed and the site has been reclaimed. Discharge of water associated with the surface runoff from reclaimed areas will occur.

#### VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE	d. LONGITUDE	e. DRY WEATHER BASE FLOW	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER OR if g is YES name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg min sec	deg min sec				
001	Pond A	N 38 26 55	W 87 29 29	0.00	Existing ALKALINE	Y / No	UNT to Goose Creek
002	Pond F	N 38 27 05	W 87 29 53	0.00	Reclaimed Alkaline	Y / No	UNT to Robb Creek
							"UNT" - means Unnamed Tributary

## VI. OUTFALL INFORMATION Continued

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS

[illegible]

VII. **OUTFALL INFORMATION FOR MODIFICATIONS:** Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL, ADD, or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE. EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.
<u>001</u>	<u>Pond A</u>	<u>Change</u>	<u>7/1/10</u>	<u>Mine Reclaimed – change to quarterly monitoring of discharge 001</u>
<u>002</u>	<u>Pond F</u>	<u>Delete</u>	<u>7/1/10</u>	<u>Pond “F” has been reclaimed, discharge deleted.</u>

### VIII. TOPOGRAPHICAL MAP

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please attach this completed map to the application and submit both together.

### IX. PROOF OF PUBLICATION

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and/or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:  
Office of Environmental Adjudication  
Indiana Government Center – North  
100 North Senate Avenue, Room N501  
Indianapolis, Indiana 46204"

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

### X. POTENTIALLY AFFECTED PERSONS FORM

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

Please fill out this form in its entirety and submit it with the application.

### XI. REQUIRED FEES:

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

Please list amount submitted \$ 50.00, attach to and submit with application.  
Checks or money orders shall be made payable to IDEM.



**XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES**

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

Please forward a copy of this application as is required and identify the party to whom it was addressed and the date that it was mailed: Clay Dayson ~~June 21, 2010~~

July 9, 2010

**XIII. CERTIFICATION STATEMENT**

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Michael L. Kayman  
Chief Restructuring Officer

(630) 531-6050

Name and official title (type or print)

Area Code and phone No.

Signature

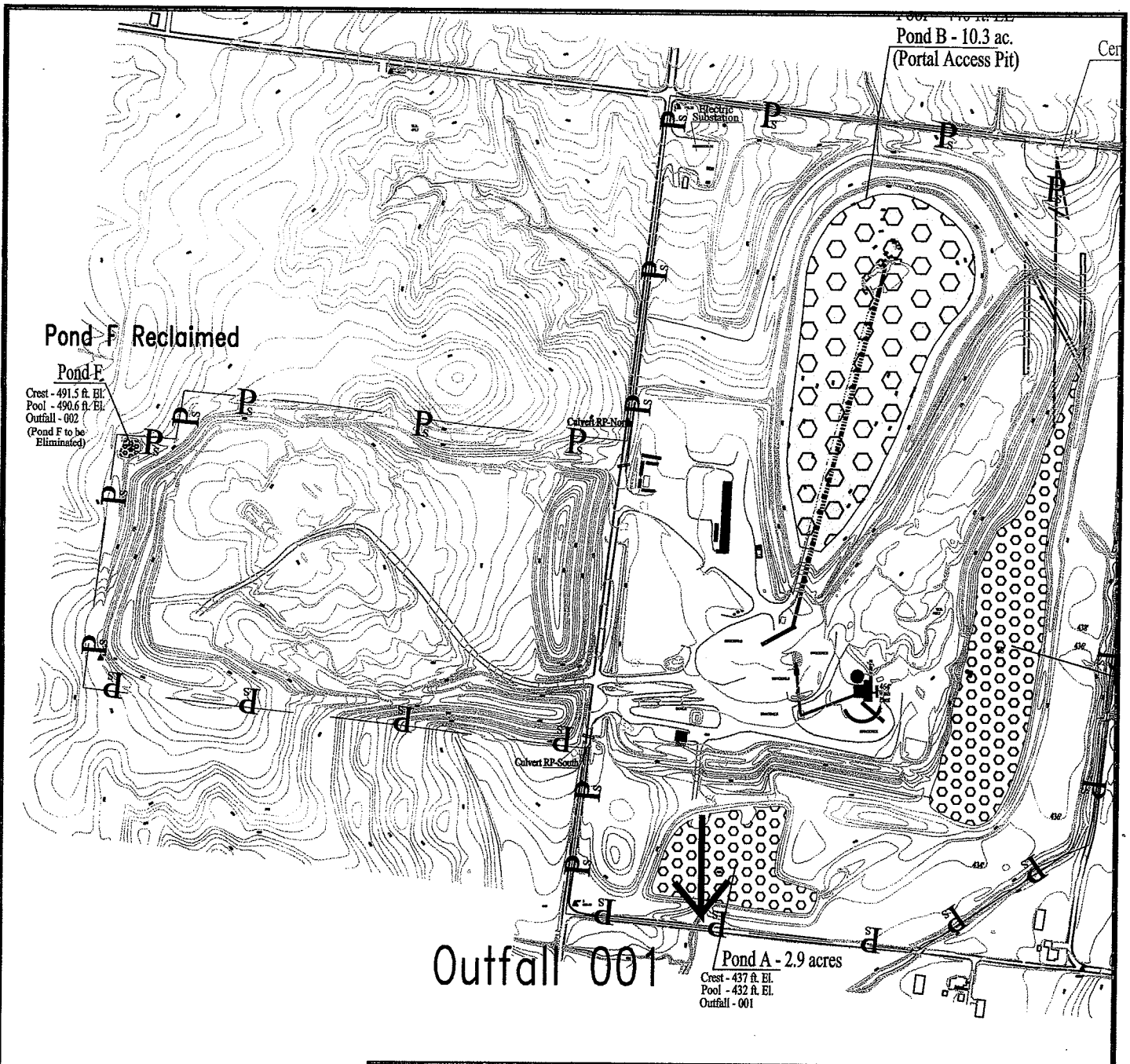
Date signed

6/22/10

Submit completed form and attachments to the following address:

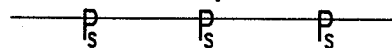
Indiana Department of Environmental Management  
Office of Water Quality – Mail Code 65-42  
NPDES Permits Section  
100 North Senate Avenue  
Indianapolis, Indiana 46204-2251





White River Coal  
Hazleton Mine, Division of Reclamation Permit #U-26  
**Location Map**

#U-26 Permit Boundary



NPDES Discharge Permit ING 0404186

Ponds



Beginning 07/01/2010 single active  
NPDES Discharge from Pond A - Outfall 001



Scale 1" = 500'

czar

Date: 7/01/10

